

THE STATE OF NEW HAMPSHIRE

83-160-I

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STATE HOUSE ANNEX

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December 16, 1983

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Mr. Thomas A. Swist, Chairman
Electricians Licensing Board
Hazen Drive
Concord, New Hampshire 03301

Re: Manufacturing Plant Exceptions and
Disciplinary Actions

Dear Mr. Swist:

In response to your memorandum dated November 1, 1983, I have reviewed the licensing exceptions provided in RSA 319-C:3, III and IV. The exception allowed in subparagraph III is for

"any electrical equipment and work including installation, operation, maintenance and repair, in or about industrial or manufacturing plants or electrical generating plant ..."

Under this subparagraph, the specified work which is done "in or about" the plant is not subject to licensing requirements. I interpret this subparagraph therefore to relate to work which is actually done on the plant premises. As you have noted in your memorandum, this subparagraph does not further require that such work be done under the supervision of an electrical engineer in the employ of the operator.

The exemption provided under subparagraph IV is for:

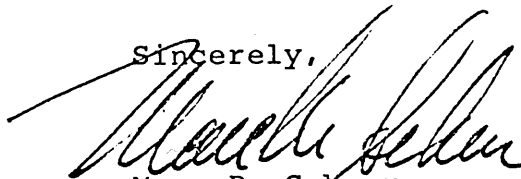


"any electrical equipment and work, including installation, operation, maintenance and repair in, on or about other property, equipment or buildings, residential or of any other kind, owned or controlled by the operators of industrial or manufacturing plants, provided such work is done under the supervision of an electrical engineer in the employ of said operator ..."

This paragraph, unlike subparagraph III, allows the specified types of work to be performed "on or about other property, equipment or buildings" which the industrial or manufacturing plant operator owns or controls. In other words, this subparagraph allows the specified work to be done off the plant premises on other property, equipment or buildings owned or controlled by the operator, but provided that the work is done under the supervision of an electrical engineer employed by the operator. In general, subparagraph III allows the electrical work to be done on the plant premises without the specified supervision, and subparagraph IV allows the work to be done off the plant premises but only if the work is done under the supervision of an electrical engineer in the employ of the operator.

Concerning your second inquiry of whether or not an individual has been convicted of a felony is a public record, this information can be obtained from the office of the clerk of the superior court in the county in which the individual was convicted of the felony. Since this information is a matter of public record, the Board may contact the clerk's office to inquire about the conviction record of a particular licensee. I note, however, that under RSA 319-C:12, II(b), the type of conviction needed to support disciplinary proceedings must have been of an offense involving moral turpitude. The Board may take appropriate disciplinary action in such cases upon its own initiative or upon the written complaint of any person. See RSA 319-C:12, I. Obviously, before the Board can conduct any such investigation, it should have a good faith basis upon which to proceed.

Sincerely,



Marc R. Scheer
Assistant Attorney General
Division of Legal Counsel

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